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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,572	03/26/2001	James M. Kennedy	56274.US	7767
408	7590	12/31/2003	EXAMINER	
LUEDEKA, NEELY & GRAHAM, P.C. P O BOX 1871 KNOXVILLE, TN 37901			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/817,572	KENNEDY, JAMES M.	
	Examiner	Art Unit	
	Ahshik Kim	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/09/03 (Response).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response

1. Receipt is acknowledged of the response filed on October 9, 2003. Currently, claims 9-21
5 and 23-28 remain for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:
- 10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
manner in which the invention was made.
- 15 3. Claims 9-11, 13-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Look (US 5,915,032) in view of Itoh et al. (US 5,760,384).

Re claims 9, 15, 20, 21, 24-26, and 28, Look teaches a remote code/indicia reading
system 10, comprising a light source 30 for providing illumination, a reflective
20 medium disposed on the target 12, which is remote from the light source, a detector 40, and an
analyzer 45, and electronics 50 which processes the captured light/signal and extract the
meaningful information (col. 1, lines 49+). Although Look is silent on the structural description
of the system, as shown in the only figure, the component parts 20, 30, 40, 45 and 50 are
constructed to protect sensitive optical/illuminating device.

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Look fails to specifically teach or fairly suggest a cover over the indicia on the reflective medium, which responds to infrared light, causing the indicia below the cover invisible to human eyes.

Ito discloses an indicia reading system wherein the cover over the barcode wherein the
5 cover is infrared-transparent and causing the barcode under the cover invisible (col. 1, lines 41+).

In view of Itohs' teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ a well-known cover layer which causes the barcode to appear only when the cover is applied with a specific range of light. Such cover functions as a means to thwart unauthorized forgery or reproduction of the tags/plate. Therefore, such
10 modification would have been an obvious extension as taught by Itoh for reducing potential tampering by unauthorized individuals, and therefore an obvious expedient.

Re claims 13 and 17, the light sensing device further includes camera incorporating charge-coupled device (CCD), designed to detect infrared or the near range of beams (col. 2, lines 54+). Since the image is captured in the pixel array, and each pixel of CCD is assigned a
15 scalar value, it can be considered that the image captured is processed by each bit map.

Re claims 14 and 16, although Look is silent about the dimension or configuration of the component parts, since larger field of view is preferred, the distance between the plate and the light beam should be as large as possible (col. 5, lines 28+). Also, the distance between the light sources 20, 30 and the detector 40 is not large as shown in the picture, and the angle created by
20 the 40 and 20/30 via the license plate is also small.

Re claims 18 and 23, as indicated in Itoh (col. 1, lines 12+), the code storage portion includes a barcode format.

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Re claim 19, as further explained in the background and detailed description section (col. 1, lines 20+, lines 49+), the license plate is retro-reflective.

4. Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Look
5 (US 5,915,032) as modified by Itoh et al. (US 5,760,384) as applied to claim 9 and 26 above, and further in view of Duret et al. (US 4,605,946). The teachings of Look as modified by Itoh have been discussed above.

Look/Ito fail to specifically teach or fairly suggest of utilizing a decoy barcode to discourage unauthorized reading of the barcode.

10 Duret teaches superimposing dummy marks/barcodes (20, 21, 30, 31, 32, 33) over the genuine barcode (see figure 6) to prevent unauthorized copying of the data (col. 5, lines 41+).

In view of Duret's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known dummy/decoy barcode to the teachings of Look/Itoh in order to prevent unauthorized copying of the data. Purposes for using barcode or
15 other machine-readable code, among other things, are to read the code by the machine in speedy manner, and to have the designated machines decipher the captured code properly. Accordingly, incorporating additional forgery-thwarting scheme would have been an obvious expedient, safeguarding the encoded information.

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Response to Arguments

5. Applicant's response filed on October 9, 2003 have been fully considered, but they are not persuasive.

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In the response, Applicant argues that Look in view of Itoh does not teach "cover" recited in claim 9.

Examiner respectfully disagrees with Applicant's assertion. As disclosed in the specification (page 7, lines 1+), it appears that a cover as used in "a license plate cover or frame" does not have warrant a particular characteristic in that the cover can be used in similar function as a frame. The license plate disclosed in Look or the covering layer in Itoh, in view of the above, would meet "cover" recited in claim 9. In fact, without relying on Itoh reference, applying retroflective material as disclosed in Look would create a covering layer. Accordingly, it is the Examiner's opinion that Look in view of Itoh teach the subject matter pertaining to "cover" recited in claim 9.

Applicants' remarks have been given careful consideration, however, in view of the above, the Examiner has made this Office Action final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

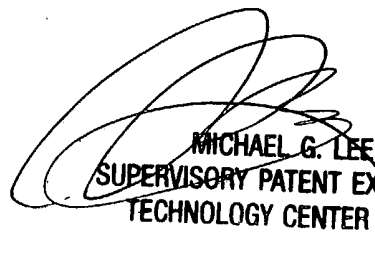
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Patent Examiner
Art Unit 2876
December 23, 2003



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800